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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

APR 29 2013

AT 8:30 \_\_\_\_\_ M  
WILLIAM T WALSH CLERK

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PLUMBERS AND PIPEFITTERS  
LOCAL 572 HEALTH AND WELFARE  
FUND, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

MERCK & CO., INC.,

Defendant.

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No. 12-1379 (MAS) (LHG)

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UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL  
UNION, LOCAL 464A HEALTH AND  
WELFARE FUND, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MERCK & CO., INC.,

Defendant.

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No. 12-3652 (MAS) (LHG)

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ALLIED SERVICES DIVISION  
WELFARE FUND, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MERCK & CO., INC.,

Defendant.

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No. 12-7027 (MAS) (LHG)

ORDER

This matter comes before the Court upon Defendant Merck's ("Defendant" or "Merck" Motion to Dismiss based upon Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) filed on September 17, 2012. (ECF No. 44.) Plaintiffs Plumbers and Pipefitters Local 572 Health and Welfare Fund and United Food and Commercial Workers International Union, Local 464A Health and Welfare Fund ("Plaintiffs") filed their Opposition on October 29, 2012.<sup>1</sup> (ECF No. 48.) Merck filed its Reply on November 30, 2012. (ECF No. 49.) For the reasons stated in the Opinion issued today, and other good cause shown,

IT IS on this 29<sup>th</sup> day of April, 2013, **ORDERED** that:

- 1) Defendant's Motion to Dismiss is granted.
- 2) Plaintiffs' complaints are dismissed without prejudice.
- 3) Plaintiffs are granted leave to file amended complaints.
- 4) Failure to file amended complaints by **June 3, 2013**, shall result in dismissal of Plaintiffs' original complaints with prejudice and termination of this case.

  
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MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> As noted in the Court's accompanying Opinion, an additional related case (the *Allied Services Action*, 12-7027) is affected by the Court's decision rendered today. The relief ordered below shall be construed to apply with similar effect to *Allied Services Action*.